



"Elmer, Mark (ENRD)"
<MElmer@ENRD.USDOJ.
GOV>

07/10/2006 02:39 PM

To: RCurley@hollandhart.com, kmurray@chapman.com

cc: Peggy Livingston/ENF/R8/USEPA/US@EPA

bcc:

Subject: RE: Richardson past costs decree

This sounds like a good approach. Sorry for the inconvenience. As soon as you have new signature pages, please forward to me. Thanks,

Mark

-----Original Message-----

From: RCurley@hollandhart.com [mailto:RCurley@hollandhart.com]

Sent: Monday, July 10, 2006 2:29 PM

To: Elmer, Mark (ENRD); kmurray@chapman.com

Cc: Livingston.Peggy@epamail.epa.gov

Subject: RE: Richardson past costs decree

Mark: Kevin and I just discussed this matter and we think the better course here (because there are some minor modifications to our clients' signature pages) would be for us to have our clients re-execute the CD and to date their signatures as of the date they originally executed the CD. Please let us know if you have any questions or concerns about that approach. If you do not, we will move quickly to obtain new signature pages. Thanks. Rich

-----Original Message-----

From: Mark.Elmer@usdoj.gov [mailto:Mark.Elmer@usdoj.gov]

Sent: Thursday, June 29, 2006 2:14 PM

To: kmurray@chapman.com; Richard Curley

Cc: Livingston.Peggy@epamail.epa.gov; oreilly.maureen@epa.gov;

Hernandez.Kathryn@epamail.epa.gov; Mark.Elmer@usdoj.gov;

kcgee@unitedpark.com

Subject: Richardson past costs decree

Kevin/Rich:

In finalizing the Noranda past costs decree, I caught a couple non-substantive points with our decree that should be changed. I don't think they require you to execute new signature pages, but if you disagree please let me know (and you can sign new pages and send to me). If you agree that new signature pages are not necessary, please let me know that.

I'm attaching a "corrected" version of decree to this email, along with a redline comparing changes between old and corrected versions, but here is a summary of changes:

(1) I have changed the caption to add Falconbridge Limited (which is Noranda Mining's ultimate parent) as a Party and to change Noranda Inc.

to Noranda Mining Inc.

(2) I have corrected a mistaken reference to the section on Notices and Submissions on pages 4 (para. 6) and 5 (para. 9.c). The old version referred to the Notices and Submissions section as Section XII. But since we added a new section (Reservation of Rights by Settling Defendant) during the drafting process, which changed the section numbering beginning at section X, the correct reference should be Section XIII.

(3) I have added page numbers to the entire document (for some reason numbering stopped in the middle of the old version). And

(4) I have slightly reformatted the signature pages (by among other things putting each agency's signatures on a separate page).

The "corrected" version is attached, as well as a redline that compares changes between old and corrected versions.

Again, please let me know whether you think new signature pages are required.

Thanks,

Mark

<<#152983-v1-richardson_-_upcm_arco_past_costs_decree_-_final_version.DOC>>

<<#153247-v1-richardson_-_redline_showing_changes_between_past_cost_decreees_(old_and_corrected_versions).DOC>>